

ASTATE OF IOWA
PROPERTY ASSESSMENT APPEAL BOARD

Kristine Thomas,
Petitioner-Appellant,

v.

City of Cedar Rapids Board of Review,
Respondent-Appellee.

ORDER

Docket No. 10-101-0331
Parcel No. 14223-04015-00000

On March 25, 2011, the above-captioned appeal came on for consideration before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. The appellant, Kristine Thomas, was self-represented and requested the appeal take place without a hearing. The City of Cedar Rapids Board of Review designated Attorney James H. Flitz as its legal representative. The Appeal Board now having examined the entire record, and being fully advised, finds:

Findings of Fact

Kristine K. Thomas, owner of residential property located at 402 14th Street, SE, Cedar Rapids, Iowa, appeals from the City of Cedar Rapids Board of Review decision reassessing her property. The real estate was classified residential for the January 1, 2010, assessment and valued at \$63,151; representing \$6200 in land value and \$56,951 in dwelling value.

Thomas protested to the Board of Review on the grounds that the property was not equitably assessed compared to other like properties under Iowa Code section 441(1)(a); and that the property was assessed for more than authorized by law under section 441(1)(b). Thomas also protested under section 441.37(1)(d) that there was an error in the assessment. However, this claim stated, "see attached." The attachment claims the property was not equitably assessed, which is the same ground already raised to the Board of Review under section 441(1)(a). The Board of Review reduced the

assessed value to a total of \$55,034; representing \$6200 in land value and \$48,834 in dwelling value. The Board stated in part, “after consideration of all the data, the assessment was changed.”

Thomas then filed with this Board on the same grounds. Thomas seeks \$14,603 in relief and values the property at \$40,431.

According to the property record card, the subject property consists of a two-story frame dwelling having 1344 square feet of total above-grade living area, 250 square feet of finished attic, a full unfinished basement, and a one-story, open-frame porch with 128 square feet. The dwelling was built in 1905 and has a 4+5 quality grade. It is in above-normal condition and is located on a 0.06 acre site. The dwelling was updated in 2003 with replacement siding, roof, and windows.

Thomas stated in a letter, that her property was assessed at a higher rate than the neighbors’ dwellings. Thomas notes that the neighbors had a decrease in their tax assessments whereas her property assessment increased.

Thomas submitted forty-six equity comparables in the subject neighborhood and an adjoining neighborhood and of approximately the same age. The subject property is assessed at above normal condition and the properties submitted range from very poor to above normal. They also range from one-story to two-story style dwellings, and some are classified as commercial and/or exempt property. Because the properties were dissimilar in classification, style, and condition, they are unsuitable for equity comparison.

Thomas also submitted fifteen comparable sales for consideration. Again, Thomas used sales that range in condition of very poor to above normal, and submitted one-story, one-and one-half-story, and two-story style dwellings. Unadjusted sale prices ranged from \$20.83 to \$63.32 per square foot and had a median of \$39.09 per square foot. We note that like the equity comparables, the sales were not adjusted to the subject property, and we cannot find them comparable for an equity or market value claim.

The Board of Review submitted six comparable sales. All six are two-story frame dwellings, with similar square feet, age, and condition as the subject property. They had unadjusted sale prices from \$39.09 to \$59.92 per square foot. All six of the comparables are also located in the subject property's neighborhood. We find the six comparables submitted by the Board of Review are similar to the subject property. The Board of Review submitted seven equity comparable properties with assessed values ranging from \$33.48 to \$50.62 per square foot. The subject property is assessed at \$40.95 per square foot, well within the range and below the median of \$48.33 per square foot.

Reviewing all the evidence, we find the preponderance of evidence does not support Thomas' contention the subject property is inequitably assessed or that the property is assessed for more than authorized by law. Thomas' claimed equity comparables and market comparables were dissimilar and unadjusted to the subject property to account for the differences, and therefore, we are unable to draw any conclusion from them as to the equitability of Thomas' assessment or the property's market value. The best evidence was the six market comparables submitted by the Board of Review. While these sales prices were also unadjusted and ranging in condition, the properties were all two-story frame dwellings located in the same neighborhood as the subject property, similar in total living area and age, and all lack central air conditioning.

Conclusions of Law

The Appeal Board based its decision on the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2009). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determined anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or

additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.* 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. *Id.* "Market value" essentially is defined as the value established in an arm's-length sale of the property. § 441.21(1)(b). Sales prices of the property or comparable properties in normal transactions are also to be considered in arriving at market value. *Id.* If sales are not available, "other factors" may be considered in arriving at market value. § 441.21(2). The assessed value of the property "shall be one hundred percent of its actual value." § 441.21(1)(a).

To prove equity, a taxpayer may show that an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. *Eagle Food Centers v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 865 (Iowa 1993). Alternatively, a taxpayer may show the property is assessed higher proportionately than other like property using criteria set forth in *Maxwell v. Striver*, 257 Iowa 575, 133 N.W.2d 709 (1965). The gist of this test is ratio difference between assessment and market value, even though Iowa law now requires assessments to be 100% of market value. § 441.21(1). It is our conclusion that Thomas failed to prove by a preponderance of the evidence that her assessment was inequitable as compared with assessments of other like property in the taxing district.

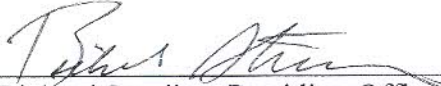
In an appeal that alleges the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(b), there must be evidence that the assessment is excessive and the correct value of the property. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277 (Iowa 1995).

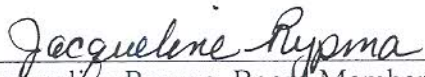
Thomas failed to prove by a preponderance of evidence that the subject property is assessed for more than authorized by law. To the contrary, sales data from the Board of Review supports the property's fair market value.

Viewing the record as a whole, we determine that the preponderance of the evidence did not support Thomas' claims that the property was assessed for more than authorized by law or inequitably assessed as of January 1, 2010. Therefore, we affirm the Thomas property assessment as determined by the Board of Review. The Appeal Board determines that the property assessment value as of January 1, 2010, is \$55,034.

THE APPEAL BOARD ORDERS that the January 1, 2010, assessment as determined by the City of Cedar Rapids Board of Review is affirmed.

Dated this 18 day of May 2011.


Richard Stradley, Presiding Officer


Jacqueline Rypma, Board Member

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Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>5-18</u> , 2011.	
By:	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX
	<input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier
	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Other
Signature	

